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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,374	12/03/2003	Ralph Schneider	HO-US035151	3133
22919	7590	03/09/2006	EXAMINER	
SHINJYU GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680			AHMED, AAMER S	
			ART UNIT	PAPER NUMBER

3763

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/725,374	<b>Applicant(s)</b> SCHNEIDER ET AL.	
	<b>Examiner</b> Aamer S. Ahmed	<b>Art Unit</b> 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 6, 7, 9-12, 17, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Frisbie U.S. Patent Number 4,569,347.

As to claims 1, 3 and 17, Frisbie discloses a catheter (21) comprising a catheter shaft (11) including a proximal end and a distal end secured to a balloon (38), and a luer fitting (26) arranged at the proximal end of the catheter shaft, the proximal end of the catheter shaft being provided with a bending section (12a), the bending section having a flexibility greater than that of the section of the catheter shaft joining the proximal end, the bending section formed as a plurality of offset spiral cuts cut into the proximal end of the catheter shaft (see figures 1-3).

As to claims 6, 7, 9-12, 18 and 20, Frisbie teaches the catheter wherein the bending section is provided with a seal (14) designed as a tube fastened to the proximal end of the catheter shaft, wherein the bending section is formed as a soft-annealed material section of the catheter shaft surrounded by the offset cuts (col. 2 line 30), wherein the bending section is formed by a transition member of the fitting consisting of a flexible plastic material (see figures 1-3) and wherein the transition member has an undercut which is engaged by a complimentary holding member of the proximal end of the catheter shaft (see figure 1).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 4, 5, 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frisbie in view of Schwartz et al U.S. Patent Number 5,573,520. Frisbie discloses the device as described above in reference to claim 1, including a seal designed as a tube. Frisbie fails to disclose that the offset cuts extend in a direction generally parallel to one another and generally perpendicular to a lengthwise direction of the catheter shaft.

Schwartz et al discloses a similar device with offset cuts extending in a direction generally parallel to one another and generally perpendicular to a lengthwise direction of the catheter shaft (see figure 7).

It would have been obvious to one having ordinary skill in the art at the time of invention by applicant to modify the device of Frisbie by incorporating the perpendicular offset cuts of the type taught by Schwartz et al in order to obtain a more flexible and cost effective catheter shaft.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frisbie in view of Magram U.S. Patent Number 5,902,254. Frisbie discloses the device as described above in reference to claim 1, but fails to disclose that the bending section comprises a plurality of balls mounted on the proximal end of the catheter shaft.

Magram discloses a similar device with a bending section comprises a plurality of balls mounted on the proximal end of the catheter shaft (see figure 3a).

It would have been obvious to one having ordinary skill in the art at the time of invention by applicant to modify the device of Frisbie by incorporating the balls of the type taught by Magram in order to obtain a more controllable flexible catheter shaft.

Claims 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frisbie in view of Larson et al U.S. Patent Number 6,475,209. Frisbie discloses the device as described above in reference to claims 1 and 17 but fails to explicitly disclose that an adhesive fastens the seal. Larson et al discloses a similar device in which an adhesive fastens the seal, (see col. 10 line 8).

It would have been obvious to one having ordinary skill in the art at the time of invention by applicant to modify the device of Frisbie by incorporating an adhesive fastened seal of the type taught by Larson et al in order to provide a tight attachment.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frisbie and Schwartz et al and further in view of Larson et al. Frisbie in view of Schwartz et al disclose the device as described above in reference to claims 1 and 17 but fail to explicitly disclose that an

adhesive fastens the seal. Larson et al discloses a similar device in which the seal is fastened by an adhesive, (see col. 10 line 8).

It would have been obvious to one having ordinary skill in the art at the time of invention by applicant to modify the device of Frisbie and Schwartz et al by incorporating an adhesive fastened seal of the type taught by Larson et al in order to provide a tight attachment.

***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-13, 15-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aamer S. Ahmed whose telephone number is 571-272-5965. The examiner can normally be reached on Monday thru Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. Ahmed

